

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

PERCY LEE CLAY and)	
DIANE CLAY,)	
)	
Plaintiffs,)	
)	
v.)	1:10CV891
)	
P. TREVOR SHARP,)	
)	
Defendant.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on May 23, 2012, was served on the parties in this action. Plaintiff objected to the Recommendation (Doc. 17) and filed a Motion for Formal Discovery Period (Doc. 18) as well as a Motion for Hearing on Motion for Formal Discovery Period (Doc. 21).

The court has reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination, which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss (Doc. 8) is GRANTED and this action is DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that Plaintiffs' Motion to Strike Defendant's Motion to Dismiss (Doc. 11) is DENIED.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Formal Discovery Period (Doc. 18) and Plaintiffs' Motion for Hearing on Motion for Formal Discovery Period (Doc. 21) are DENIED AS MOOT.

A Judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder
United States District Judge

July 3, 2012